UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/507,941	02/22/2000	Masato Ochiai	35.C14278	2960

5514   7590   12/03/2002

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER
ENGLAND, DAVID E

ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 12/03/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

PRC

	Application No.		Applicant(s)	
Office Action Summary	09/507,941		OCHIAI, MASATO	
	Examiner		Art Unit	
	David E. England		2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 May 2002* .

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-44* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .   6) ☐ Other: .

DETAILED ACTION

1. Claims 1 – 44 are presented for examination.

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2.   Claims 4, 15, 26, 37 are rejected under 35 U.S.C. 112, first paragraph, because the best mode contemplated by the inventor has not been disclosed. Evidence of concealment of the best mode is based upon In the claims disclosed above, the claims state, "said physical address is an IP address." In the specification on page 6, lines 17 – 19 state that it is the, "logic address is an IP address."

3.   Claims 1 – 3, 9 – 11, rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term own that is followed by a type of address is not specifically described in the specification. Please make appropriate changes.

Claim Rejections - 35 USC § 102

> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after

November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is

examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4.   Claims 1, 2, 4, 5, 12, 13, 15, 16, 23, 24, 26, 27, 34, 35, 37, 38 are rejected under 35 U.S.C. 102(e) as

being anticipated by Nixon et al. U.S. Patent No. 6266726 (hereinafter Nixon).

5.   Referencing claim 1, Nixon teaches a network device control apparatus comprising:

6.   receiving means for receiving data from a network by using a standard protocol, (e.g. col. 26, lines 14 –

60);

7.   detecting means for detecting a special attribute value in said standard protocol with respect to said data,

(e.g. col. 26, lines 14 – 60); and

8.   setting means for setting various parameters in accordance with said attribute value in the case where a

destination physical address of said data and its own physical address are the same, (e.g. col. 26, lines 14 – 60).

9.   Referencing claim 2, Nixon teaches the case where a destination logic address of said data and its own

logic address differ and said destination physical address and the own physical address are the same, said setting

means sets the various parameters in accordance with said attribute value, (e.g. col. 26, lines 24 – 67).

10.   Referencing claim 4, Nixon teaches said standard protocol is an Internet protocol, and said physical

address is an IP address, (e.g. col. 26, lines 14 – 60).

11.   Referencing claim 5, Nixon teaches said physical address is an MAC address, (e.g. col. 26, lines 14 –

60).

12.   Claims 12, 13, 15, 16, 23, 24, 26, 27, 34, 35, 37, 38 are rejected for similar reasons as stated above.

Claim Rejections - 35 USC § 103

13.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set

forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this
> title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole
> would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter
> pertains. Patentability shall not be negatived by the manner in which the invention was made.

14.   Claims 6, 17, 28, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nixon (6266726), in

view of Yamamoto (6216171).

15.   Referencing claim 6, Nixon does not specifically teach said data is an ICMP echo message by an ICMP

protocol. Yamamoto teaches said data is an ICMP echo message by an ICMP protocol, (e.g. col. 10, lines 30 –

44). It would have been obvious to one skilled in the art at the time the invention was made to combine

Yamamoto with Nixon because it would be more efficient to utilize the specific functions of the ICMP echo

message, (similar to PING), to find a workstation on a network.

16.   Claims 17, 28, 39 are rejected for similar reasons as stated above.

17.   Claims 3, 7, 8, 14, 18, 19, 25, 29, 30, 36, 40, 41 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Nixon (6266726), in view of Isono et al. (6216171) (hereinafter Isono).

18.   As per claim 3, Nixon does not specifically teach said setting means sets a destination logic address of

said data to its own logic address. Isono teaches said setting means sets a destination logic address of said data

to its own logic address, (e.g. col. 6, lines 15 – 49). It would have been obvious to one skilled in the art at the time the invention was made to combine Isono with Nixon because when a user desires to set a logic address remotely from another terminal to the destination terminal through a packet transmission, (i.e. ping or echo), one would want to set the destination logic address with the own logic address that is contained in the packet. Furthermore, it would be more convenient for a user to assign a logic address remotely rather then going to the desired station and setting the logic address at the terminal.

19. As per claim 7, Nixon does not teach said attribute value is a data length of said data. Isono teaches said attribute value is a data length of said data, (e.g. col. 5, lines 31 – 41). It would have been obvious to one skilled in the art at the time the invention was made to combine Isono with Nixon because it is more efficient for a packet to have some type of field to signify the length of the data so to aid in error checking for the number of bits that were sent.

20. As per claim 8, Nixon does not teach said attribute value is a TTL value of said data. Isono teaches said attribute value is a TTL value of said data, (e.g. col. 5, lines 31 – 41). It would have been obvious to one skilled in the art at the time the invention was made to combine Isono with Nixon because it is more efficient for a packet to have a TTL field in a packet so if the packet is taking too long to be transmitted through the Internet the packet could be dropped and aid in congestion control in a network.

21. Claims 14, 18, 19, 25, 29, 30, 36, 40, 41 are rejected for similar reasons as stated above.

22. Claims 9 – 11, 20 – 22, 31 – 33, 42 – 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nixon (6266726), in view of Yamamoto (6049825) in further view of Isono (6216171).

23.   As per claim 9, Nixon teaches a network device control apparatus comprising:

24.   setting means for setting various setting parameters in accordance with a value of said data length in the

case where a destination MAC address and its own MAC address are the same, (e.g. col. 26, lines 14 – 60).

Nixon does not specifically teach receiving means for receiving an ICMP echo message;

25.   data length detecting means for detecting a data length of said ICMP echo message. Yamamoto teaches

receiving means for receiving an ICMP echo message, (e.g. col. 10, lines 30 – 44). It would have been obvious

to one skilled in the art at the time the invention was made to combine Yamamoto with Nixon because it would

be more efficient to utilize the specific functions of the ICMP echo message, (similar to PING), to find a

workstation on a network. Yamamoto does not teach data length detecting means for detecting a data length of

said ICMP echo message. Isono teaches data length detecting means for detecting a data length of said ICMP

echo message, (e.g. col. 5, liens 31 – 40). It would have been obvious to one skilled in the art at the time the

invention was made to combine Isono with the combine system of Nixon and Yamamoto because it is more

efficient for a packet to have some type of field to signify the length of the data so to aid in error checking for

the number of bits that were sent.

26.   As per claim 10, Nixon teaches the case where a destination IP address of said ICMP echo message and

its own IP address differ and said destination MAC address and said own MAC address are the same, said

setting means sets the various setting parameters in accordance with the value of said data length, (e.g. col. 26,

lines 24 – 67).

27.   As per claim 11, Nixon does not specifically teach said setting means sets a destination IP address of

said ICMP echo message to its own IP address. Yamamoto teaches an ICMP echo message, (e.g. col. 10, lines

30 – 44), and Isono teaches said setting means sets a destination IP address to its own IP address, (e.g. col. 6,

lines 15 – 49). It would have been obvious to one skilled in the art at the time the invention was made to combine Yamamoto and Isono with Nixon because of similar reasons stated in claim 3 and stated above.

28. Claims 9 – 11, 20 – 22, 31 – 33, and 42 – 44 are rejected for similar reasons stated above.

Conclusion

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

30. a.   Ball et al. U.S. Patent No. 6446200 discloses Service management.

31. b.   Beser U.S. Patent No. 6189102 discloses Method for authentication of network devices in a data-over cable system.

32. c.   Sullivan U.S. Patent No. 6032193 discloses Computer system having virtual circuit address altered by local computer to switch to different physical data link to increase data transmission bandwidth.

33. d.   Berlovitch et al. U.S. Patent No. 6061334 discloses Apparatus and method for assigning virtual LANs to a switched network.

34. e.   Ogawa et al. U.S. Patent No. 5936966 discloses Data receiving device, which enables simultaneous execution of processes of a plurality of protocol hierarchies and generates header end signals.

35. f.   Anderson et al. U.S. Patent No. 5850388 discloses Protocol analyzer for monitoring digital transmission networks.

36. g.   Arndt et al. U.S. Patent No. 5708654 discloses Method for detecting proxy ARP replies from devices in a local area network.

37. h.   Cohen et al. U.S. Patent No. 6389462 discloses Method and apparatus for transparently direction requests for web objects to proxy caches.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 703-305-5333. The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 703-308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are none for regular communications and none for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is none.

David E. England
Examiner
Art Unit 2143

De *DL*
November 25, 2002

DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100